

**REMARKS**

Applicant has spent a great deal of time, effort, and money in preparation of responses to Office Actions in the present application. Applicant most recently made amendments to a number of claims, and was required to file a Request for Continued Examination to get those amendments considered. The present Office Action is the result of the Request for Continued Examination. From a reading of the present Office Action, however, it appears that the amendments to the claims have not truly been considered. Evidence of this abounds in the Office Action, including the repeated application of inapplicable art to the claims, the continued reliance of rejections on the phrase “inversion of magnetic poles” which has been completely removed from all claims, and the finding of entire elements of certain claims to be “inherent” without any support whatsoever.

Applicant has paid for and is entitled to consideration of its amendments, and review of its remarks. Therefore, Applicant respectfully requests that the amendments of the Response filed March 9, 2006, and entered with the RCE of May 9, 2006, be reconsidered, in addition to the further remarks submitted herein. Since Applicant has apparently not received complete consideration of its amendments and remarks, Applicant further submits that any Office Action resulting from this response cannot properly be made final.

**Claim Rejections Under 35 U.S.C. § 101**

Claims 1-13, 25-23, and 35-40 were rejected under 35 U.S.C. § 101, the Office Action alleging no specific and substantial utility. Applicant traverses. The Office Action asserts that the claims recite a “direct current operation by inversion of respective magnetic poles.” In fact, that language has been canceled from the claims at issue. It would appear that the Office has failed to look at Applicant’s amendments and taken them into account when issuing the present Office Action. Still further, as Applicant has shown in Figure form, and as Applicant has stated, all of which are unrefuted by the Office Action, in a DC configuration of magnets, there is a constant and uniform magnetic field in the region of the exciters. Since the magnetic field is constant and uniform, the Office Action’s continued assertion that the current in the exciter would increase as the field increases is completely moot. The field does not change. Applicant’s diagram clearly shows the uniform magnetic field. The current in the exciter is not alternating. It is constant, as is the magnetic field. It is DC. The Office Action also cites the “Moving Magnet Generator” item as demonstrating that a moving magnet passing a coil generates an AC

current. In that situation, yes. However, it is a rotating magnet that passes alternating poles by the coil, and generates a non-uniform, non-constant magnetic field. In contrast, the present claims provide a uniform, constant magnetic field. The “Moving magnet generator” is inapplicable to the present claims.

The Office Action further requests oscilloscope readings despite being shown clear evidence of the uniform magnetic field, and uncontradicted remarks showing that the uniform constant magnetic field creates a DC operation. In response, Applicant submits Exhibit A hereto with oscilloscope readings incorporated therein, showing DC operation for the configuration of magnets shown. In DC mode, smoothing capacitors may be used to smooth the DC operation, and are known in the art, but the current provided is clearly DC.

*Claim Rejections Under 35 U.S.C. § 112*

Claims 1-13, 25-23, and 35-40 were rejected under 35 U.S.C. §112, first paragraph. Applicant traverses. Applicant has shown that the claimed invention is operable. The Office Action instead relies on language that has in fact been removed from the claims in the rejection. The principles that Applicant has relied on have not even been discussed or acknowledged in any Office Action. Applicant has supplied its evidence. The Office must look at that evidence, and it has not.

Further, the Office Action asserts at page 3 that in its “broadest reasonable interpretation” the term “exciter” or “short helical lead wire” is sufficiently broad to read on the windings or coils of Adam et al. This is simply wrong. Applicant has repeatedly shown the differences between exciters and coils. The record is absolutely clear on the difference between exciters and coils. For example, Applicant refers to its response to the Final Office Action mailed December 9, 2005, in which the difference between coils and exciters is clearly outlined. That argument is repeated herein since it does not appear to have been considered:

The exciter elements of the present claims have a short helical lead wire. As it is defined in the specification, which must be read in order to interpret the claims, this short helical lead wire (identified as a helical shape in the specification) is not capable of being a coil winding such as in the coils of Adam. Coils have multiple overlapping windings and are long. The short helical lead wire of the present claims is not overlapping, and does not form any semblance of a coil. Coils and exciters are clearly different. Coils have long overlapping windings. The exciters of the present claims have short helical wires. Coils use the long overlapping windings to focus magnetic intensity in an iron core, where that core does not pass electricity through it. (*See added note 1 below*). Exciters have a short helical wire, do induce and conduct electricity in the core to the helical wire, and are affixed in relative distance to magnets. The short helical wire transfers electricity from the core. (*See added note 2 below*). The windings make no transfer of electricity from

their core. Coils and exciters are fundamentally different in construction and application. Adám discusses and uses only coils, never exciters. It is improper to call the coils of Adám exciters when it is clear that they are not exciters. Exciters are not present in Adám by any argument.

The Office Action appears to want to give the broadest possible interpretation, ignoring the “reasonable” and “consistent with the specification” restrictions on the interpretation of claim terms. Given the specification and the previously supplied arguments and comments, the only reasonable interpretation of exciters is that they are clearly different from coils.

- (1) Coils use long overlapping windings often hundreds or thousands of feet in length. In some traditional generators the coil may be wrapped around a massive Iron core. The Iron core is able to focus magnetic field lines so that the area around the windings contains a higher concentration of focused magnetic flux, and therefore produces electricity with increased efficiency. The Iron core is not part of the actual electron or current path, does not conduct electricity through it and appears primarily to focus magnetic flux. Exciters have a short helical wire measuring inches or fractions of feet, do induce and conduct electricity through the core to the helical wire, are not present solely for the purpose of focusing magnetic flux or housing overlapping windings and are affixed in relative unchanging distance to magnets.
- (2) The winding(s) electron or current path has no electric continuity to the Iron core. The presently claimed exciter does have continuity to a conductive core.

The Office Action appears to want to give the broadest possible interpretation, ignoring the “reasonable” and “consistent with the specification” restrictions on the interpretation of claim terms. Given the specification and the previously supplied arguments and comments, the only reasonable interpretation of exciters is that they are clearly different from coils. Since some level of confusion may inherently exist in general use of the terms coil and exciter, Applicant once again points out the differences to other historical uses of the term “exciter,” typically meaning “magnet coil,” “excitation coil,” or “induction coil,” none of which contains a short helical wire, do not have electric continuity with a conductive core, and do not contain a core that is present solely for the purpose of focusing magnetic flux or housing overlapping windings.

Coils and exciters (as the term is defined and used in the present claims and specification) are fundamentally different. Just because the Office Action alleges that a coil with different structure and operation is an exciter does not make it one.

*Claim Rejections Under 35 U.S.C. § 102*

Claims 30 and 33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Adam et al. (EP429729A1). Applicant again traverses. The Office Action asserts that the use of the term “short” has little weight as it is an unbiased comparison. However, Applicant notes that Adam itself makes the distinction as well, and that this distinction clearly supports Applicant’s position. Note Adam column 2, lines 3-20, and especially lines 6-7 and 16-17, which state that the coil heads are relatively short and that the length of the connection is only a fraction of the useful radial wire. Still further, claim 30 recites that it is the lead wire that is helical, and that is connected to the exciter. Nowhere does Adam show such a structure. Claim 30 is allowable. Claim 33 depends from and further defines patentable claim 30 and is also believed allowable.

*Claim Rejections Under 35 U.S.C. § 103*

Claims 31 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Adam in view of Nahirney (U.S. Patent No. 5,227,702). Applicant traverses. As has been shown above, Adam does not contain the structure it is alleged in the Office Action to have. Nahirney does not add that structure. No combination of Adam and Nahirney teaches or suggests the structure of the present claims, and they are allowable.

Claims 24, 26, 27, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukada (U.S. Patent No. 6,147,415) in view of “logical reasoning.” Applicant traverses. The arguments set forth by Applicant in its response to the Final Office Action mailed December 9, 2005, have apparently not been considered. The present Office Action is now asserting that all of the details of an exciter, and indeed the exciter itself, are inherent. Applicant respectfully requests that the Examiner cite a reference that clearly shows what is asserted to be inherent, as none of the elements of the exciter, or the exciter itself, are actually shown to be in Fukuda.

With respect to the comment that “short helical lead wire” is redundant, the comments of May 9, 2006, are perhaps unclear. The exciters include helical lead wires.

Since each and every element of the claims is not present in Fukuda, and since only that reference has been cited, Applicant respectfully submits that the claims are allowable.

Allowable Subject Matter

Claims 25, 28, and 34 were indicated as allowable.


CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 501373.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2203.

Respectfully submitted,

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# Exhibit A

